

CALFRESH (CF) PROGRAM **REQUEST FOR POLICY/REGULATION INTERPRETATION**

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input checked="" type="checkbox"/> Other:	5. DATE OF REQUEST: 5/9/2017	NEED RESPONSE BY: asap
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Shasta County	
3. PHONE NO.:	7. SUBJECT: overissuance; reasonably anticipated income; lump sum	
4. REGULATION CITE(S): ACL 12-25: possibly 63-502.2(i); ACIN I-31-01	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACL 12-25: possibly 63-502.2(i); ACIN I-31-01	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Attached is a decision in which the ALJ upheld Shasta County's determination that the claimant had been overissued \$160 in CF benefits in Oct and Nov 2014, and overissued \$9.252 for the period of Oct 2014 through Sept 2015. Also attached is the claimant's rehearing request, and the county's rebuttal. Finally, the county's SOP is attached. While this reviewer typically does not provide the SOP with an inquiry, the SOP in this case includes information that is not in the decision and that seems to this reviewer to be important to consider

The h/h consisted of the 45 year old claimant-father (The SOP was corrected from one of the claimant's daughter being indicated to be the claimant to the father), mom, and the claimant's three adult children. (Cont'd)

10. REQUESTOR'S PROPOSED ANSWER:

The income at issue consisted of the claimant's UIB, daughter's earned income from the Gap, and early withdrawals from the claimant's IRA.

The primary concerns/questions are the following:

- while the UIB income, and arguably the earned income, would have been correctly determined by the county to be reasonably anticipated to continue, there are no specific findings made by the judge re reasonably anticipated income;
- Should the IRA withdrawals be treated as income and if so, reasonably anticipated to continue income, or as lump-sum resources?

11. STATE POLICY RESPONSE (CFPB USE ONLY):

As of May 8, 2017 new federal SNAP regulations (7 CFR 273.8 (e)(2)(i)(D&E)) exclude IRAs and Roth IRAs (including the "myRA") from the resource determination. Although these new rules apply as of May 8, 2017, the scenario presented was prior to May 8, 2017, so previous regulations regarding resources need to be applied.

In this particular scenario, monies held in an IRA are considered a resource. Furthermore, one time lump sum payments are considered a resource. Resources are not considered for the purposes of determining CalFresh eligibility for MCE households.

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FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ: JR 6.26.17
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**CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

1. RESPONSE NEEDED DUE TO: <input type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST:	NEED RESPONSE BY:
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION:	
3. PHONE NO.:	7. SUBJECT:	
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Additionally, per ACL 12-25 page 26, income that cannot be reasonably anticipated is not counted in the budget calculation. Because in this scenario the client did not know the amount and date of the withdrawal, the withdrawal would not have been counted as reasonably anticipate income.